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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, TU X

ART UNIT PAPER NUMBER

2684

DATE MAILED: 02/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/769,836

Applicant(s)

LOHTIA ET AL.

Examiner

Tu X Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9, 12-19, 21-25 and 30-33, are rejected under 35 U.S.C. 102(e) as being anticipated by Forssell et al. (US Patent 6,671,511).

Regarding claims 1, 14, 21, Forssell et al. disclose a method of performing packet-based communication in a wireless network, comprising:

establishing a connection over a wireless link between a mobile station and a radio access network system (see col.2 lines 49-67);

transmitting data in the connection (see col.2 lines 49-67);

waiting a predetermined time delay period after end of data transmission (see col.7 lines 55-62); and

starting a procedure to release the connection after the predetermined delay period (see col.11 lines 39-55).

Regarding claims 25 and 30, Forssell et al. disclose everything as claim 1 above. More specifically, Forssell et al. disclose the instructions when executed for performing packet-based communication (see col.14 line 64 through col.15 line 15).

Art Unit: 2684

Regarding claims 2-3 and 22, Forssell et al. disclose an indication that the end of data transmission has occurred (see col.12 lines 55-67).

Regarding claims 4, 23 and 32, Forssell et al. disclose receiving an acknowledgement of the indication; and releasing the connection (see col.11-12).

Regarding claims 5, 13, 17, 24, 31 and 33, Forssell et al. disclose releasing a temporary block flow in a GPRS (see col.3 lines 50-64).

Regarding claim 6, Forssell et al. disclose releasing the connection comprises releasing a logical connection (see col.3 lines 20-64 and col.5 lines 1-4).

Regarding claim 7, Forssell et al. disclose one of plural logical connection assigned on a physical channel (see col.3 lines 20-64).

Regarding claim 8, Forssell et al. disclose the waiting and starting acts are performed in the mobile station (see col.7 line 63 through col.8 line 50).

Regarding claims 9, 12 and 15, Forssell et al. disclose the waiting and starting acts are performed in the radio access network system (see col.7 lines 55-62).

Regarding claim 16, Forssell et al. disclose a radio link control/medium access control layer comprising the control module (see fig.2).

Regarding claim 18-19, Forssell et al. disclose a mobile station, a base station system (see fig.2).

3. Claims 34-35, are rejected under 35 U.S.C. 102(e) as being anticipated by Wallentin et al. (US Patent 6,594,238).

Art Unit: 2684

Regarding claim 34-35, Wallentin et al. disclose a data signal in a carrier wave and comprising instructions that executed cause a first system to:

detect end of data transmission over a connection established on a wireless link (see col.7 lines 5-20);

start a delay period after detecting the end of data transmission (see col.7 lines 5-20); and

start a procedures to release the connection after the delay period (see col.7 lines 5-20).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 10-11, 20 and 26-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Forssell et al. in view of Wallentin et al.

Regarding claims 10-11, 20 and 26-27, Forssell et al. fail to disclose detecting the end of data transmission.

Wallentin et al. disclose detecting the end of data transmission (see col.7 lines 5-12). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Forssell et al. with the above teaching

Art Unit: 2684

of Wallentin et al. in order to determine whether to switch from a dedicated radio channel to a shared radio channel when there is the transmit queue is empty.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN

January 13, 2004

  
**NAY MAUNG**  
SUPERVISORY PATENT EXAMINER